

## **Chapter 5.08**

### **PROCEDURE FOR OBTAINING LICENSE**

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Unless exempted by state or federal law, it is unlawful for any person to engage in or carry on or operate any business in the city, or to use any property for such business, without first making application for and obtaining the required license from the city.

#### **5.08.020 Persons subject to licensing.**

Whenever a license is required for the maintenance, operation or conduct of any business or establishment, or for doing business or engaging in any activity or occupation, any person or corporation shall be subject to the requirements if, by himself or through an agent, employee or partner, he

holds himself forth as being engaged in the business or occupation, or solicits patronage therefor, actively or passively, or performs or attempts to perform any part of such business or occupation in the city.

#### **5.08.030 License—Application—Contents.**

A. Licenses, permits and applications required by ordinance shall be made with the city's license official. Each application shall state the name of the business; the name of the applicant; the permit or license desired; the location of the business, if any; the time covered and the fee to be paid; the name, street address and mailing address, if different, of the business agent who is authorized to receive service of process and any communication regarding the applicant's license via certified mail, return receipt requested; and such additional information as may be needed for the purpose of guidance of the city officials in issuing the permit or license. Any change in the above information furnished by the license applicant shall be forwarded, in writing, within ten days after the change, to the license official.

B. Forms for all license and permits, and the application therefor, shall be prepared and kept on file by the license official.

#### **5.08.040 License—Application—Fees and waiver.**

A. Each application for a license under this title shall be accompanied by the license fee required to be paid for the issuance of the license desired. In addition to the license fee regularly assessed, any applicant which shall have commenced doing business prior to obtaining a valid license shall be assessed a penalty fee. The penalty fee shall be equal to twenty-five percent of the regular license fee if the applicant has operated without a license for less than 30 days, and shall be equal to one hundred percent of the regular license fee if the applicant has operated without a license

for more than 30 days during the fiscal year in question. The fee may be paid by cash or check made payable to the city or a certified cashier's check and conditioned upon the payment of the license fee to the city in the event of the issuance of the license. Any license which has been issued pursuant to payment by means of a check shall be void and of no force or effect if such check is not honored. Applications received by the license official shall be numbered in the order of their receipt.

B. Notwithstanding the provisions of paragraph A of this section, the license official may waive the imposition of license penalty fees for:

1. New businesses which have located within the city and have not obtained a city business license; and
2. Existing businesses which have been licensed by the city and have been purchased, but the new owner has not reapplied for a city business license.

C. The license official may waive such penalty fees as provided in section 5.06.100 above only upon the following conditions:

1. The business makes application for a city business license within five working days after being notified by the city that such a license is required; or the business voluntarily makes application for a business license prior to notification by the city; and
2. The business has either been located in the city for less than two years or the purchase of the business occurred less than two years prior to the business application.

D. The license official may not, under any circumstances, waive the business license fees due the city for the current year or for prior years in which the business operated.

#### **5.08.050 Fees not refunded when.**

No license fee, or any part thereof, shall be refunded for any reason whatsoever, once the license has been granted or issued by the city.

#### **5.08.060 Application fee refunds.**

If a license is denied for any reason, the applicant shall be entitled to a refund to the extent the amount that accompanied the application is in excess of \$35. The sum of \$35, or any lesser amount, shall be retained to offset the cost of processing the application. However, the city may, in its sole discretion, refund the entire application fee if deemed appropriate under the circumstances.

#### **5.08.070 Application investigation.**

Upon receipt of an application for a license or permit, where ordinances of the city require an inspection or investigation before the issuance of such permit or license, the license official or his authorized representative or such other agency, including the police department and the planning and zoning division, as these ordinances specifically empower, shall make such investigation within five business days after the time the application was received by the agency or department. However, when adequate investigation requires correspondence with agencies or other sources of information outside the city, or the license applicant is not ready to be inspected, such investigation shall be completed within 15 days, or as soon thereafter as possible. The officer charged with the duty of making the investigation or inspection shall make a report thereon, favorable or otherwise, within five business days after making the investigation or inspection. The health department shall, for the protection of health, make or cause to be made, an inspection in regard to licenses in connection with the care and handling of food, the prevention of nuisances and the spread of disease. The fire department shall make or cause to be made inspections relating to the safety of buildings or other structures licensed hereunder.

**5.08.090 Additional investigations.**

The license official may refer the application for additional investigation to the fire department, police department, or other official or body for the purpose of investigation and inspection concerning the general reputation of the licensee, whether the business is or has been conducted in a lawful, quiet, orderly and helpful manner, and the conditions of health and safety of such premises, together with any other fact or facts that the city should know in acting upon the application.

**5.08.100 Report of investigations.**

Upon being requested to do so by the manager or the license official, the police department, fire department, or any other official or department so requested shall conduct the investigation and inspection provided for in this chapter and submit to the manager or license official a report on such investigation and inspection, together with recommendations as to whether the license should be granted or denied.

**5.08.110 License—Application—Action by manager.**

After receipt of the referenced reports and recommendations of the license official, police department, fire department or other official or body, the manager shall act upon the application as he deems just and proper in regard to granting or denying the same, and may order further information or investigation if such appears necessary.

**5.08.120 Compliance with building and zoning requirements.**

No license shall be issued for the conduct of any business, and no permit shall be issued for any thing or the performance of any act if the premises and building to be used for the purposes do not fully comply with the city's building and zoning ordinances.

**5.08.130 License—Application—Approval.**

In the event the city approves a business license, the business license shall be signed by the mayor or impressed by his facsimile, and forwarded to the applicant.

**5.08.140 License—Denial conditions.**

A. The manager, upon recommendation of the license official, will deny the issuance of a license or permit if the applicant has:

1. Been convicted of a felony or any crime involving moral turpitude; or
2. Obtained, or has aided another to obtain, a license by fraud, deceit, material misrepresentation or material omission; or
3. Failed to pay any applicable taxes or fees; or
4. Violated the laws of the state, the United States Government, the ordinances of the city, or the rules and regulations of any Utah state or city agency governing operation of the business holding the license or permit.

B. The reason for denial shall be endorsed on the application by the license official, and the city recorder shall return to the applicant, via certified mail, return receipt requested, the application, notice of the applicant's rights to an appeal and any fees that are refundable.

**5.08.150 Appeal hearing—On denial of license—Effect of denial.**

If the applicant files a written notice of appeal within 20 days of the notice of denial, a hearing to consider the denial of a license shall be held as provided in chapter 5.11 hereof. Unless the manager or hearing officer orders otherwise, it shall be unlawful for an applicant who has been denied a license to commence or conduct the business or occupation contemplated in the application.

**5.08.190 License—Effect of denial.**

If at any time a license or renewal is denied under the provisions of this chapter, it shall thereafter be unlawful for any person to

engage in or carry on or operate or use or permit to be operated or used, any property for any business with respect to which the license or renewal has been denied, until a license or renewal shall be granted by the city.